

Water Pollution Control Advisory Council (WPCAC) Conference Call  
February 19, 2004 9:30 a.m.-11:00 a.m.  
Room 244 Metcalf Building

**Attendees:**

Council Members:

Terry McLaughlin, Smurfit-Stone Container Corp.  
Barbara Butler, Billings Solid Waste Division  
Marc Lorenzen  
John Schwarz, Schwarz Architecture & Engineering Inc.  
Scott Seilstad  
Peggy Trenk, Montana Assn of Realtors  
Robert Willems, Soil & Water Conservation District  
Bill Griffin  
John Wilson, MT Trout Unlimited

Other Attendees:

Bob Bukantis, Department of  
Environmental Quality (DEQ)  
Bonnie Lovelace, DEQ  
Claudia Massman, DEQ  
Don Allen, WETA  
Gail Abercrombie, MT Petroleum  
Assn.

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Call to Order

Chairman Terry McLaughlin called the conference meeting to order at 9:30 a.m. A roll call was conducted. There is a quorum if needed.

Approval of Agenda

Terry McLaughlin asked if the council members had received all of the information that had been sent out to the council? All members present had received all of the information.

A motion was made and seconded to approve the agenda as written. The agenda stands as approved.

Approval of Minutes for August 28, 2003 and November 6, 2003 Council Meetings

Terry McLaughlin asked if any of the members have any additions, edits or changes that they would like to see in those minutes?

John Wilson said in the November 6 meeting, which he was unable to attend, John North explained the federal arsenic standard and the options for the Board of Environmental Review (BER). In the minutes it concludes that the matter was put on the Boards agenda and the Department asked to withdraw the item because the proposal would bring the standard down to 10 µg/L now and DEQ legal staff determined that we could not do that, but doesn't explain what John North said about why they couldn't do that.

Bob Bukantis said he was not prepared to speak for John North on that but his recollection is that it is related to the difficulties of the state being more restrictive than the federal government. He can ask John North to clarify that for the next meeting.

John Wilson said that the situation as he understands it is that Environmental Protection Agency (EPA) has decided to adopt a new standard but not until 2006. The question is can the

State of Montana adopt that standard before 2006? It has been a decade long issue that led to making a more restrictive standard for arsenic. There are findings and facts out there that support the federal government. Just because the federal government cannot change it until 2006 because of their rule making, it seems that the State has a responsibility to the public to adopt the federal findings and facts and adopt the more stringent arsenic standard now since the Board is free to adopt those standards with findings and facts.

Marc Lorenzen asked if with the findings and facts the State could get around the no more stringent than federal standard issue?

John Wilson said yes that is what he is indicating.

Terry McLaughlin said he was unsure where the Council stands on that issue. Some of what he recalled from the briefing was that some areas in Montana have background concentrations of arsenic that would tend to cause problems for implementation of this lower standard. He is unsure if it has been determined how that will be dealt with.

John Wilson said that he would like to have Petrina Horne go through the tape and see if John North explained why it could not be done and reflect what was actually said in the minutes.

Terry McLaughlin said the council is new and may not have asked the appropriate questions to reveal that additional information.

Bonnie Lovelace said as a recommendation the agenda item is to approve the minutes. If the Council is happy with the August minutes then the Council could move forward on those. The Council could delay approving the November minutes while clarity is sought and put them on the agenda for the next meeting. At the next meeting we can see if that clarity was a part of the tape or add it as a parenthetical point if it were not part of the discussion.

Marc Lorenzen said there are additional issues with both the November and August minutes. There are a few typos in the August minutes.

Terry McLaughlin said the Council should deal with the August 28, 2003 minutes first.

Marc Lorenzen said that in the introduction of the August minutes it says "preformed" instead of "performed". In the third line of the Overview of Council duties it says "two approached" but should be "approaches". Marc Lorenzen is spelled with a "k" when it should be spelled with a "c".

Terry McLaughlin asked if there were any additional edits or changes on the August minutes. The chair will entertain a motion to approve the August 28, 2003 minutes as submitted with changes.

A motion was made and seconded to approve the August 28, 2003 council minutes with edits. The August 28, 2003 minutes were approved with changes as noted.

Terry McLaughlin said the Council can now address any changes or edits to November 6, 2003 minutes.

Bob Bukantis said he went to check with the legal staff in regards to the arsenic standard. John North is unavailable, but Claudia Massman will come by to address the arsenic issue with the Council.

Terry McLaughlin said that if Council is in agreement with this, the Council could move past the approval of the November 6 minutes and return to it when Claudia Massman arrives.

Marc Lorenzen said he has some clarifications on different issues on those minutes. At the bottom of page four on non-degradation of level two treatment, did Bonnie Lovelace really say that a discharger can “pollute more” or did she say they could “discharge more”? It is also in the first sentence on page five said by Eric Regensburger.

Bonnie Lovelace said she did not know if they actually used the words “pollute more” but it probably meant discharge more. At some point they are equivalent. If a discharger is discharging more volume, the total load in the end might be higher.

Marc Lorenzen said that this indicates being able to discharge more flow because a system is going to remove nitrogen so the connotation of pollute more as it applies to nitrogen should be that a system is not going to discharge any more total nitrogen because it is going to remove some of it. I don’t know if allowing someone to pollute more, at least in terms of nitrogen, is allowing a system to discharge more from the tank to be treated in the surface of the ground?

Bonnie Lovelace said that is true. Would you like the word pollute changed to discharge? It is probably more accurate, but we might have actually spoken the word pollute.

Marc Lorenzen said that in the second paragraph on page five, in the middle of the third line it says “but the net nutrient load into the ground water would be reduced.” I think it would be true to say “the net nitrogen load.”

John Schwarz said the purpose is to go through the minutes and not change the record. That is what I said and how it should be in the minutes. If there is an issue, it should be added as an agenda item and through the meeting minutes to change what was said during the meeting.

Marc Lorenzen said he wanted to verify that is actually what was said. I believe I made a comment that “even with increased nitrogen removal, higher discharges will result in associated constituent loading being higher. Nitrogen removal process is removing nitrogen and nothing else.” That was a concern that I expressed in the meeting that I would like it to be included in the minutes.

Bonnie Lovelace said the tapes would be revisited to locate that statement.

John Wilson said if Eric Regensberger and Bonnie Lovelace said the word pollute in their presentations, that is the way the minutes should be reflected.

Terry McLaughlin said the Council should not be substituting different words if those were not the words used; this would be altering the record. The record should reflect the actual language that was used. It is always available for the Council to revisit in issue if we feel it needs to be addressed further. The Council should not edit language unless it is a typo.

Scott Seilstad said he would agree with that. The Council is not formulating policy.

Terry McLaughlin said he would like to let everyone know that there are additional people joining the meeting and asked that they introduce themselves for the record. Claudia Massman has joined the Council to help address the issues on arsenic questions.

Gail Abercrombie and Don Allen introduced themselves.

John Schwarz said as a point of order, this should be an agenda item and not an item on the minutes.

Bonnie Lovelace said that what the Council spoke to about not changing words in the minutes to explain something that was not explained is correct. If you separately want Claudia to explain the reasoning behind the decision she can do that but should be as an agenda item. Petrina Horne can go through the tapes and check to see if they reflect what was actually said.

Peggy Trenk said that she would like to add it as an agenda item and clear it up now since Claudia Massman is here.

John Schwarz said he would suggest delaying approval of the November minutes until the next meeting.

A motion was made and seconded to delay the approval of the November 6 minutes. The November 6 minutes will be an agenda item for the next meeting.

Terry McLaughlin said that he would like to alter the agenda to allow Claudia Massman to address the arsenic standards question as a briefing item. The Council was asked if they were opposed to opening the agenda to add additional items. There being no objections we will put Claudia Massman on for a briefing item before the action items.

Barb Butler asked if it would be possible to add a briefing item. In the November 6 minutes on page nine under the briefing on storm water rules, Bonnie noted that the phase II storm water for municipal permits would be put out for public comment. Would it be possible to get an update on this?

Terry McLaughlin said that a briefing on phase II storm water for municipal permits would be put after the arsenic briefing item.

## Briefing Item

### Arsenic Standards Clarification

John Wilson said his question on the arsenic standards was at the end of John North's briefing, it concludes that the Department asked to withdraw the request to adopt the federal standards and said the legal staff determined we couldn't do that. There is no clear explanation as to why the Department made that recommendation. The Council would like to have an explanation as to why the Department made that recommendation to the Board.

Claudia Massman said the standard that has been adopted by EPA has a delayed effective date until 2006 so it is not an official MCL at this time. The question was whether DEQ could go ahead, because the science is there, and adopt the equivalent standard as a water quality standard for our purposes here. The reason the legal staff said the Department could not do it is because the Legislature has specifically told the Board how to set the standards for any carcinogen. For arsenic it has to be  $1 \times 10^{-3}$ , or if that standard violates the MCL then the Board is to adopt the MCL. The Legislature set it to be that specific and the Board has no discretion to do anything but adopt what the Legislature said to set it at. The new MCL is not effective yet, so at this point in time the Board does not have any discretion to adopt that as a more stringent standard.

John Wilson asked if the Board could adopt the  $10^{-3}$  or 18  $\mu\text{g/L}$ ?

Claudia Massman said the Board has adopted the  $10^{-3}$ . The current MCL is 50  $\mu\text{g/L}$ . The  $10^{-3}$  is more stringent and that is what the arsenic standard is today. It is in the Montana Code Annotated (MCA) 75-5-301 2(b)(i).

John Wilson said the answer is that the legislature has locked it.

Claudia Massman said yes the legislature has locked it. Typically the state can be more stringent than the federal standards but the state cannot use that discretion in this case.

### Phase II Storm Water Municipal Permit Update

Bonnie Lovelace said that the Department has not yet gotten the phase II MS4 permit out. The Department has been looking at a couple legal cases such as the animal feeding operation permit and MEPA. This is a general permit and the Department is very concerned that all the MEPA requirements are covered completely. There is another case concerning notice requirements dealing with MS4's. The Department also has a large workload they are trying to deal with. The Department is taking the position that it is not any city, town or county's fault that they do not have this permit. As a working scenario in the meantime, Brian Heckenburger is working with any entity that wants to see this permit and providing drafts to allow entities to move forward with their MS4 requirements on those permits. This will create better permits resolved more quickly because the Department has taken this time to provide drafts. The Department will not be charging fees this year because entities do not have a permit. This also allows more time to meet the conditions of the permit. The five years will start when the permit is issued giving six years instead of five. EPA is requiring the conditions of the permit to be met in the first 5-year term and this provides more time.

Barb Butler said that her main concern was if the Departments deadline gets extended than do the permit holders deadline get extended as well.

Bonnie Lovelace said that when the permit is issued it would have an effective date that will start the five-year term after a permit holder gets their authorization.

### Action Items

#### 2004 Meeting Schedule

Bob Bukantis said this Council typically sets the calendar on the last meeting of the year for the following year. In 2003 the Council could not do this because the Board had not yet set their meeting dates. The main roll of this Council is to be a sounding board for rulemaking that will go before the Board of Environmental Review. To meet the obligations of this Council, meetings should be set at least a month prior to a Board meeting. This provides the Department an opportunity to bring new proposed rules before the Water Pollution Control Advisory Council at least a month before it goes to the Board of Environmental Review. On the calendar, the WPCAC meetings are the squares and were set on Thursdays approximately a month before Board meetings. Does the Council want to approve the draft calendar or does it need to be changed for any reason?

Terry McLaughlin asked if any members had problems with the four meetings on the calendar? The meetings may be held as a conference call so it may not exclude you from participating in the meeting.

Robert Willems said that he would not be able to make the April 29<sup>th</sup> meeting but would still approve the calendar.

A motion was made and seconded to approve the 2004 schedule as drafted. The motion carries and the schedule for 2004 will be the same as listed in the draft version.

#### Selection of Chair

Bob Bukantis said that as a new council Terry McLaughlin agreed to take the position of chair. There has been no indication that Terry McLaughlin should not continue as Chair. In conversation with Terry McLaughlin it was decided that selection of the Chair should be brought up since it is the first meeting of the year as it is usually done at the first meeting of each year.

Terry McLaughlin said that historically it was the first meeting of the year that the Chair was selected. "I don't mind fulfilling the role as Chair for the remainder of the year. It is not on the agenda due to an objection I had."

A motion was made and seconded to have Terry McLaughlin to continue as Chair of the Council for the balance of 2004. The motion carries and Terry McLaughlin will remain as Chairman of WPCAC through the balance of 2004.

Scott Seilstad said that he thought Terry McLaughlin is doing a good job as the Chair.

## Briefing Items

### 303(d) List Update

Bob Bukantis said the 303(d) list is a report of the state's waters which are considered to have one or more beneficial uses impaired. DEQ has been doing a list every other year for EPA since 1992. The 1997 Montana legislature instructed the Department to thoroughly review and revise the 303(d) list based on sufficient credible data. The result was the 2000 303(d) list which had approximately half of the waters removed for lack of sufficient credible data.

EPA recently came out with new guidance for how the states are to do 303(d) listing. EPA called it a Consolidated Assessment and Listing Methodology (CALM). CALM was designed to combine 303(d) and 305(b) reporting. The 303(d) reporting in the Clean Water Act (CWA) is meant to address those waters that are impaired and in need of TMDL development. The 305(b) reports on the condition of all the states waters, including good, bad and indifferent to give an all-inclusive picture of waters in the entire state. This new consolidated assessment listing methodology calls for an Integrated Report that integrates the listing and reporting requirements of 303(d) and 305(b) into one report. The old 303(d) list included one list of impaired waters and talked about probable causes, sources of impairment, the degree of beneficial use support in general terms and prioritized waters for TMDL development. The purpose of the 303(d) list was to identify those waters the state thought had problems, take a first cut on what those problems were and prioritize those problems for restoration through TMDL development. Montana's new Integrated Report is in response to EPA's new guidance.

Combining 303(d) listing with 305(b) reporting, EPA has developed a 5-part listing format broken down in to 7 categories. Category 1 includes those waters where all beneficial uses are fully supported. EPA would like this list to include all the waters in the state. From a general sense, Montana has only assessed and has data for only approximately 20% of the waters in the state. The monitoring done on Montana waters has generally been done where there was thought to be a problem or issue with the water. The limited resources went to these potential problem areas and are where the State tends to know more about the waters. Category 2 includes the waters that all beneficial uses that have been assessed are fully supported but not all uses have been assessed. Category 3 captures waters that are lacking sufficient credible data. Category 3 captures some of those waters that have some data and have an indication that there may be a problem but there is not enough data to assess any beneficial use. Category 4A are those waters where one or more uses are impaired but all the required TMDLs are done. Category 4B is meant to be a place holder for those waters where there is some regulatory entity with the capability, the intent and a plan in place to bring the water back to fully supporting beneficial uses. The presumption is there are other mechanisms in place so no TMDLs are necessary. This is to prevent having redundant approaches. An example of this would be if there is a water on Forest Service land listed for sediment and the Forest Service has a plan in place to get the water back to supporting the beneficial uses through some restoration project they are doing. This would shift the water out of Category 5 where a TMDL would be needed to Category 4B. Documentation on how the Forest Service is going to accomplish restoring the water would be required to justify why a TMDL is not required. Category 4B is a TMDL alternative. Category 4C is where one or more uses are impaired by pollution only and does not require a TMDL by EPA. This would include waters listed for a habitat problem that causes the water to be classified as impaired but does not have a specific pollutant identified. This is

addressed through the non-point source control program. Category 5 captures most of the old 303(d) list. This category is for waters where pollutants impair one or more beneficial uses and a TMDL is necessary.

John Wilson said that Category 3 lists waters that have no data. Does this list all the waters that have no data?

Bob Bukantis said that at this point the Department has not included all streams that have no data. There is an intention to include them all. The Department is concerned that with the focus on completing TMDLs that this will be a huge accounting effort.

John Wilson asked what kind of volume is there? How many waterbodies is would there be in Category 3?

Bob Bukantis said that Category 3 would include approximately 80% of the States waters.

Terry McLaughlin asked if it is true that bulk of Category 3 are the ones culled from the 1998 303(d) list for insufficient data?

Bob Bukantis said that Category 3 is where most of those waters that came off the 303(d) list for insufficient data ended up. In this list, there are waters that can end up in several different categories.

Bonnie Lovelace asked if the water can be in several different categories, this depends on what uses have been evaluated? For example, the information may indicate that a TMDL is needed for one pollutant but it may not need a TMDL for all pollutants if they are being addressed in an alternate way.

Bob Bukantis said that is the case. There were several different versions of the guidance before the final was issued so I want to make sure I am representing it accurately. The reassessment list would contain waters that would be in Category 3 as well as waters in other categories. There are cases where one listing issue was resolved but may have other issues that were not resolved. I would like to clarify the issue and get back to the Council on this issue.

John Wilson asked if it was safe to say that generally speaking, the Department doesn't know the conditions of most of the waters in the State in regards to water quality and if they can support beneficial uses?

Bob Bukantis said that is correct and is typical of most of the states in the country.

Terry McLaughlin asked if under the number of waterbodies listed for each category, a waterbody would only be listed under one category? If it was listed under more than one category it would numerically make the list higher than the actual number of waterbodies that would potentially need some type of TMDL.



Bob Bukantis said that he would revisit the guidance and clarify how waters are put in categories at the next Council meeting. There may be enough exclusivity in the categories to prevent waters from being put in more than one category.

Terry McLaughlin said this would be a good briefing item for the April meeting since the submission deadline to EPA is April 1, 2004.

Bob Bukantis said the Department reassessed 111 waters for this report that were not on previous lists or were on previous lists but had additional data collected. The results are summarized in the second paragraph in the synopsis provided. Of the waters that were reassessed, more than half were found to be fully supporting all beneficial uses, and 43% were found to have one or more beneficial uses impaired. The synopsis also provides a general schedule for completing the list. It was put out for public comment on January 12, 2004. On February 26, 2004 there will be an open house in Room 111 of the Metcalf Building from 5 to 9 p.m. The public comment period closes on March 12, 2004.

John Wilson asked if under Category 4C, does this include dewatering along with habitat alteration.

Bob Bukantis said that dewatering is included in Category 4C. EPA is making a distinction between pollutants and pollution. Pollution is something that can impair beneficial uses. Within the category of pollution, some pollution is caused by pollutants and some is caused by other things such as dewatering and habitat modification. If there is no water in a stream, it is not going to support aquatic life. The Department did submit a TMDL for pollution that addressed dewatering and EPA formally refused to approve it as a TMDL but was pleased at DEQ's efforts to do it.

Terry McLaughlin asked how far the Department was on completing TMDLs on a percent basis?

Bob Bukantis said that there has been a small percentage of TMDLs completed. The Department is involved in an intensive planning process with EPA. The total estimate segment/pollutant combination TMDLs that need to be done is approximately 1700, and there has been roughly 100 completed. EPA has determined TMDLs need to be completed for segment/pollutant combinations.

Bonnie Lovelace said that one segment might have eight or twenty TMDLs that need to be completed.

Bob Bukantis said there are examples where segments that have one pollutant and some that have five pollutants. On an average there are two to three pollutants per waterbody segment. DEQ is working with EPA to develop a consistent method of accounting, to provide more accountability of the state's progress. The process of getting started has had some fits and starts in terms of getting the TMDLs done. In the last two years the Department has ramped up significantly. This year the Department submitted 59 to EPA, which is four times as much as in

any other year. Next year the Department expects to do another major increase and continue to ramp up from there.

Terry McLaughlin asked if there was still discussion with EPA in regards to changing the states submittal of the 303(d) lists?

Bob Bukantis said that there has been a lot of discussion over the years. There is a lot of politics involved in this issue. The Department would like to see it go to a five-year reporting cycle with opportunity for intermediate updates. It is a major staff effort to produce one of these reports and DEQ would like to see the staff more focused on getting the TMDLs done. EPA is currently holding the states at a two-year cycle. It is something that has been proposed in EPA watershed rules. The Clinton administration's environmental "swan song" was to do a new watershed rule that would revise the TMDL program. From a federal perspective, Clinton got it out, Congress scuttled it and Bush yanked it. Bush has appointed a new head of EPA and the states will have to see if there will be a new TMDL rule.

#### General Public Comment on Water Pollution Control Issues

There were no comments from the public on water pollution control issues.

#### Agenda Items for Next Meeting

Terry McLaughlin said that some agenda items for the next meeting it the approval of the November meeting minutes, approval of the February meeting minutes, and an update of the 303(d) list.

John Wilson said he would like to discuss having the Council make a recommendation to the Department to make a proposal to BER or the Martz administration to revise the arsenic standard in the statute to make it in compliance with the proposed federal standard for 2006.

Bonnie Lovelace said there is two areas that would need to be explored in order to accomplish what you are asking; 1) Does it require legislation and; 2) There is a legal petition process in place to ask the board. The Council is free to raise issues, but it might be more efficient to spend some time as an agenda item to talking about those tools and understanding them fully. As I understand it your asking the Board to proceed with adopting the new arsenic standard, but the Board can't adopt the standard according to the law.

John Wilson said Claudia Massman indicated the reason the new arsenic standards could not be adopted yet is that the law says you can't. I want to ask the Department to ask the Legislature to change the law.

Terry McLaughlin asked if John Wilson is asking for an agenda item for the Council to discuss a potential recommendation to the Department to go to the Legislature to propose those changes to the law.

John Wilson said that is what he is asking.

John Schwarz said the next Legislative session is in 2005. The soonest those parameters would take effect would be April or May in 2005 and would probably have an implementation period. If EPA is planning to implement in 2006, why do you want to get legislation changed when the process will take place in a similar amount of time.

Terry McLaughlin said he would want to know when in 2006 EPA's new arsenic standards would take effect. Adoption of any change in the law could happen upon passage and signage by the Governor. This could potentially get a two-year jump on EPA's implementation of the standard. If it doesn't result in a two-year jump, it might not be worth the effort to change the statute for a one-year jump. These things need to be talked about at the next meeting.

Peggy Trenk asked with the way the law is written now, would that work? If the Department does not get the law changed and EPA adopts the standard in 2006, will this create a conflict with EPA requirement? Is it flexible in the sense of when that changes the law allows the state to change or does it need to be fixed anyway? This is something that may need to be talked about at the next meeting.

John Schwarz said as an engineer who has represented small water utilities, I would like to say it takes time for the small utilities to implement the changes necessary to meet the new requirements. I would strongly object to trying to revive the standard now. The small utilities need time to implement those changes. Aggressively pursuing changes to the law prevents these entities time to perceive the need to change the arsenic requirements, to design those facilities to treat, and change their treatment facilities.

Terry McLaughlin said that this issue could be discussed at the next meeting. The Council can then as a whole vote to determine if it is a good recommendation for the Department. At that time it can be opened up for all to express their views. The Legislature may not want to take the issue up if it is only to gain a year.

Bob Bukantis said the Department is currently discussing proposed legislation.

Bonnie Lovelace said the Department is submitting in February and March to the Governors Office budget and legislative ideas. The actual formal bill writing is typically due in early September. This is a good time to discuss this and will allow the Department to respond before the Departments timeframe with Legislative Services.

Terry McLaughlin recommended that this item be put as an agenda item for discussion purposes as a possible action item. The Council should be prepared to voice their concerns regarding this discussion. Once the Council makes a recommendation to the Department to pursue this it is going to take the Departments resources and time.

Bonnie Lovelace said there are two rule sets that may possibly be ready for the next meeting. One rule is waiting on EPA on animal feeding operation rules. A technical guide that has not yet been completed by EPA's contractor is required to do the legal work. If it is finished in time, the animal feeding operation rules will be brought to the next meeting. The last legislation session had a bill that changed the suction dredge requirements in the Water Quality

Act and requires rulemaking that may be ready for the next meeting. DEQ has been working with Fish Wildlife & Parks on how to do the data and classify areas to indicate where suction dredging is permitted. One of the factors is the allowed locations may change over time.

Terry McLaughlin said that regarding arsenic, he would like the Department to provide the appropriate code Claudia Massman was referring to and make it available to the Council to allow the members to see the explicit language used.

Marc Lorenzen said he would like to get a copy of the risk assessment on arsenic establishing 18 µg/L.

Terry McLaughlin said that if the Council members come up with additional agenda items you can contact Bob Bukantis or myself for consideration to include it whether it be a briefing or an action item.

Scott Seilstad said that Bill Griffin wanted an update on implications of the court ruling with the feedlot permit.

Bob Bukantis asked if everyone should receive the risk assessment for arsenic or just the individuals who asked for it?

Terry McLaughlin said that it should be made available to all the Council members. If there is a fact sheet or a summary sheet with it to prevent the members from getting bogged down with the tedious aspects.

John Willson said that if we are going to do have a summary sheet with the risk assessment it should also be done with the new proposed federal standards to allow members to do a comparative risk assessment between the two.

Terry McLaughlin said that even if the Council looks at these risk assessments, the Council is not going to be altering anything the Federal Agencies did. What is the value of looking at and understanding their rationale?

Marc Lorenzen said that it is possible that the risk assessment may be dated and depending on the interest if it was reviewed it may either raise or lower the standard based on the existing state law's  $10^{-3}$ .

Terry McLaughlin said that it is available for discussion at the next meeting. Bear in mind that the Council will be measuring a recommendation the Council may consider against a time frame in addition to the value that may or may not be for pursuing lowering the actual numeric value.

#### Adjournment

Chairman Terry McLaughlin adjourned the conference meeting at 11:00 a.m.